

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

UNITED STATES OF AMERICA)	Case No. 1:22-cr-00041-2
)	
v.)	District Judge Charles E. Atchley
)	
JOSE MARTIN PEREZ)	Magistrate Judge Christopher H. Steger

ORDER

U.S. Magistrate Judge Christopher H. Steger filed a report and recommendation [Doc. 159] recommending that the Court: (1) grant Defendant's motion to withdraw his not guilty plea to a lesser included offense of Count One of the eight-count Superseding Indictment; (2) accept Defendant's guilty plea to a lesser included offense of Count One of the eight-count Superseding Indictment; (3) adjudicate Defendant guilty of conspiracy to distribute one kilogram or more of a mixture and substance containing a detectable amount of heroin in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A) and 846; and (4) order that Defendant remain in custody pending sentencing or further order of this Court.

After reviewing the record, the Court agrees with Magistrate Judge Steger's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 159] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant's motion to withdraw his not guilty plea to a lesser included offense of Count One of the eight-count Superseding Indictment is **GRANTED**;
2. Defendant's plea of guilty to a lesser included offense of Count One of the eight-count Superseding Indictment is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of conspiracy to distribute one kilogram or more of a mixture and substance containing a detectable amount of heroin in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A) and 846; and
4. Defendant **SHALL REMAIN** in custody until further order of this Court or sentencing in this matter which is scheduled to take place on **July 13, 2023, at 10:00 a.m.**

SO ORDERED.

/s/Charles E. Atchley
CHARLES E. ATCHLEY
UNITED STATES DISTRICT JUDGE